

AMENDED IN SENATE AUGUST 17, 2009

AMENDED IN ASSEMBLY MAY 11, 2009

AMENDED IN ASSEMBLY APRIL 22, 2009

AMENDED IN ASSEMBLY MARCH 26, 2009

CALIFORNIA LEGISLATURE—2009–10 REGULAR SESSION

ASSEMBLY BILL

No. 291

Introduced by Assembly Member Saldana
(~~Coauthor: Assembly Member Ruskin~~ Coauthors: Assembly
Members Blumenfield, Ruskin, and Swanson)

February 13, 2009

An act to add Section 30825 to the Public Resources Code, relating to coastal resources.

LEGISLATIVE COUNSEL'S DIGEST

AB 291, as amended, Saldana. Coastal resources: coastal development permits: penalties.

The California Coastal Act of 1976 requires any person undertaking development in the coastal zone to obtain a coastal development permit issued by the California Coastal Commission in accordance with prescribed procedures. The act authorizes civil liability to be imposed on any person who performs or undertakes development that is in violation of the act or that is inconsistent with any previously issued coastal development permit, subject to specified maximum and minimum amounts, varying according to whether the violation is intentional and knowing.

The bill would prohibit the commission, *with exceptions*, from filing as complete, or acting upon, an application for a coastal development

permit for development on any property ~~for a project on property~~ that is subject to, ~~or is in common and contiguous ownership with any property that is subject to~~ an existing violation case for which a violation notification letter has been sent, or a cease and desist order, restoration order, or notice of violation has been issued or recorded until the violation has been resolved. ~~The bill would also provide that this requirement would not apply if the executive director of the commission determines that the application includes a provision that would fully resolve the violation consistent with the act.~~ The bill would authorize the commission to resolve any unresolved dispute between the executive director and an applicant regarding the implementation of the above provision at a noticed hearing. This bill would authorize the commission to file as complete an application for a coastal development permit for development on such a property if the violation is ~~de minimus de minimis, as defined.~~ This bill would prohibit the commission from taking action on the application until the ~~de minimus de minimis~~ violation has been resolved, as determined by the executive director.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 30825 is added to the Public Resources
- 2 Code, to read:
- 3 30825. (a) Except as provided in subdivision (d), the
- 4 commission shall not file as complete or act upon an application
- 5 for a coastal development permit ~~for development on any a project~~
- 6 ~~on property that is subject to, or is in common and contiguous~~
- 7 ~~ownership with any property that is subject to,~~ an open, existing
- 8 violation case for which a violation notification letter has been
- 9 sent, or a cease and desist order, restoration order, or notice of
- 10 violation has been issued or recorded pursuant to Section 30809,
- 11 30810, 30811, or 30812 until the violation has been resolved, as
- 12 determined by the executive director and consistent with this
- 13 division.
- 14 (b) Subdivision (a) does not apply if the executive director
- 15 determines that the application includes a provision that would
- 16 fully resolve the violation consistent with this division.
- 17 (c) Any unresolved dispute between the executive director and
- 18 an applicant regarding the implementation of this section may be

1 resolved by the commission at a noticed hearing pursuant to
2 subdivision (d) of Section 13056 of Title 14 of the California Code
3 of Regulations.

4 (d) (1) Notwithstanding subdivision (a), the commission may
5 file as complete an application for a coastal development permit
6 for development on a property described in subdivision (a) if the
7 violation is a ~~de-minimus~~ *minimis* violation. If the commission
8 accepts an application to which this subdivision applies, the
9 commission may not take action on the application until the
10 violation has been fully resolved, as determined by the executive
11 director.

12 (2) For purposes of this subdivision, “~~de-minimus~~ *minimis*
13 violation” means a violation that is so minor in nature that it may
14 be easily resolved through voluntary actions on the part of the
15 property owner.

16 (e) *Subdivision (a) does not apply to an action by a local agency
17 that is associated with processing, submitting, certifying, or
18 implementing an amendment to, or original submission of, a local
19 coastal program, public works plan, or component of a local
20 coastal program or public works plan.*